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STATE OF ILLINOIS )  
 ) SS.  
 COUNTY OF C O O K )

BEFORE THE POLLUTION CONTROL BOARD  
 OF THE STATE OF ILLINOIS

**RECEIVED**

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ILL. E.P.A. - D.L.P.C.  
 STATE OF ILLINOIS

LEONARD C. TRIEM d/b/a  
 Triem Industrial Building  
 Operations,

Petitioner,

v.

ILLINOIS ENVIRONMENTAL  
 PROTECTION AGENCY,

Respondent.

PCB 77-261

NOTICE

TO: Klein, Thorpe, Kasson  
 & Jenkins  
 111 W. Washington Street  
 Chicago, Illinois 60602  
 Attn: Kenneth Friker

Carl M. Walsh  
 Hearing Officer  
 39 S. La Salle Street  
 Room 700  
 Chicago, Illinois 60603

PLEASE TAKE NOTICE that I have today filed with the  
 Pollution Control Board of the State of Illinois the Agency Recom-  
 mendation in this cause, a copy of which is attached hereto and  
 herewith served upon you.

ILLINOIS ENVIRONMENTAL  
 PROTECTION AGENCY

WILLIAM J. SCOTT  
 Attorney General  
 State of Illinois

EPA Region 5 Records Ctr.



360907

BY: *William J. Scott*

JUDITH S. GOODIE  
 Assistant Attorney General

DATED: January 19, 1978.

STATE OF ILLINOIS     )  
                              )  
COUNTY OF COOK        )   SS:

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF:                     )  
                                      )  
THE PETITION FOR VARIANCE OF:        )  
                                      )  
LEONARD C. TRIEM d/b/a TRIEM         )  
                                      )  
INDUSTRIAL BUILDING OPERATIONS       )

PCB# 77-261

R E C O M M E N D A T I O N

INTRODUCTION

1. Petitioner, Leonard C. Triem d/b/a Triem Industrial Building Operations, filed a petition for variance which was received by the Environmental Protection Agency (Agency) on October 7, 1977. Thereafter, Petitioner filed a request for a public hearing with the Pollution Control Board (Board) on November 23, 1977.

2. Petitioner requests permission to delay complying with the time requirements for final cover on finished portions of its landfill, located at 26th and State Streets, in Chicago Heights, Cook County, Illinois. Specifically, Petitioner seeks relief from Rule 305(c) of Chapter 7: Solid Waste Rules and Regulations of the Illinois Pollution Control Board (Chapter 7) and an extension of a variance previously granted in PCB# 76-32 for a period of one year.

INVESTIGATION AND COMMENTS:

3. The Agency has no reason to disagree with the allegations contained in paragraphs 1, 2 and 3 of the Petition that Petitioner has operated a landfill at the legally-described premises for thirty (30) years.

4. The Agency does not doubt the allegations contained in paragraph 4 of the petition that the subject served the population of several southern Cook County municipalities, as well as most of the industry therein.

5. The Agency agrees with the contention in paragraph 5 of the petition that, on August 5, 1976, the Board granted Petitioner a one-year variance from Rule 305(c) of Chapter 7, in PCB# 76-32.

6. The Agency does not disagree with the allegation contained in paragraph 6 that Petitioner has attempted to conduct his sanitary landfill operation in compliance with the Board's rules. The Agency notes, however, that violations of Chapter 7 have been observed on occasion at Petitioner's site.

7. The Agency does not disagree with the allegation contained in paragraph 7 of the petition that refuse disposal operations ceased at the subject landfill on May 28, 1977. However, the Agency does not believe the subject site can be considered 'closed' until all final cover required by Rule 305(c) of Chapter 7 has been applied.

8. The Agency has no reason to doubt that Petitioner applied about 80,000 cubic yards of final cover prior to

September, 1977. The Agency believes, however, that in light of several problems discussed below, more than an additional 40,000 cubic yards of cover material will be needed to complete final cover.

9. The Agency also has no reason to doubt the allegation contained in paragraph 9 relating to the hauling of cover material.

10. The Agency also has no reason to doubt the allegation contained in paragraph 10 of the petition relating to the availability of equipment to apply final cover.

11. In addition, the Agency agrees with the allegations made in paragraph 11 of the petition relating to allegations contained in Petitioner's earlier petition for variance.

12. The Agency agrees with the allegations contained in paragraphs 12 and 13 of the petition that the 1976-1977 fall and winter were extremely cold and that the spring and summer months of 1977 were extremely wet. The Agency also agrees that these weather conditions made the placement of final cover extremely difficult.

13. The Agency notes also that Petitioner originally estimated that only 20 months would be needed to complete final cover. Now Petitioner is requesting an additional four (4) months. The Agency believes that Petitioner should explain why 80,000 cubic yards of cover material could be applied in one year (in spite of the difficulties discussed in paragraphs 12 and 13 of the petition) and another year is needed to apply only 40,000 cubic yards. (As noted above, the Agency believes more than this amount will be needed.)

14. The Agency agrees with the contention raised in paragraph 14 of the petition that closure of the site in accordance with the plans submitted in PCB# 76-32 will be the soundest procedure to follow. The Agency believes, however, that correction of two problems which will be discussed below should also be accomplished to ensure maximum protection of the environment.

15. The Agency has no reason to doubt the allegations contained in paragraph 15 concerning methane burners installed on the site. The Agency also agrees that five (5) additional methane burners should be installed, but believes their placement and exact location should be approved by the Agency.

Is  
This  
true,  
Ken?

16. The Agency agrees with the contention in paragraph 16 of the petition that the subject site was a clay hole.

However, the Agency believes that leachate could be a potential problem because of one facet of Petitioner's operation.

???

Petitioner also operates Triem Steel Company, which is located directly south of Petitioner's landfill site in Chicago Heights. This steel company is a steel processing plant which has two discharge points outside the plant. These two discharges are joined in a ditch which has been cut through old, previously filled areas of the landfill and flows west to the southwest corner of the landfill. There, if the discharged material has not already been absorbed into the ditch, it is deposited in a large pit. Both the ditch and the pit show exposed refuse on their sides. Agency investigation indicates that.

the discharged material is spent pickling liquor from the steel processing plant. No Agency permit has been issued for these discharges. The discharges are high in BOD, suspended solids, iron, zinc and other parameters. (A copy of Agency inspection notes and sample analysis results are attached as Group Exhibit A and are hereby incorporated by reference.) The Agency does not believe this discharged material is suitable for depositing into the landfill and further believes this potential water pollution problem should be corrected.

17. The Agency has no reason to doubt the allegations contained in paragraph 17 of the petition concerning monitor wells.

18. The Agency agrees with the compliance program set out in paragraph 18 of the petition. However, the water pollution problem discussed in paragraph 16 above should also be corrected. In addition, the Agency believes gas may be escaping from Petitioner's site into the basements of nearby houses. The Agency believes this gas migration problem should be corrected. The Agency believes this problem can be corrected with a minimum amount of work by following the procedure set out here:

- Take soil borings around the perimeter of the site, particularly along the side from which gas is escaping, to locate any permeable strata in which the gas leak could occur. (The Agency believes that this leak is relatively shallow, possibly fifteen to twenty feet deep.) Once the strata is located, excavate a french drain such that it would cut off that strata. Backfill the french drain with gravel below the lacustrine strata, then seal the drain with tight clay. A methane gas burner should also be installed in this french drain.

Did we?  
say this?  
WE DIDN'T  
SUGGEST ANYTHING  
THIS DETAILED.

19. The Agency has no reason to doubt Petitioner's allegation that there is no evidence of any contamination to date. However, the Agency believes the problems discussed in paragraphs 16 and 18 above should be corrected to minimize as much as possible the threat of any future contamination.

20. The Agency notes Petitioner's promise in paragraph 20 of the petition to monitor the site as required by Rule 318 of Chapter 7. The Agency believes, however, that said three (3) year monitoring period should commence when final cover is completed.

RECOMMENDATION:

21. Based on the above, the Agency recommends that a variance should be granted to Petitioner, subject to the following conditions:

- (a) That all questions raised by the Agency in this Recommendation are answered;
- (b) That the variance run from August 5, 1977, to August 5, 1978;
- (c) That within sixty (60) days of the date of the Board's Order herein, Petitioner submit to the Agency an acceptable plan for correcting the water pollution problem discussed in paragraph 16 above, and that thereafter Petitioner correct that water pollution problem by no later than August 5, 1978;
- (d) That Petitioner complete the steps discussed in paragraph 18 of this Recommendation to correct the gas migration problem discussed therein;
- (e) That Petitioner monitor the subject landfill in accordance with Rule 318 of Chapter 7 for a period of three (3) years commencing August 5, 1978; and

- (f) That within 28 days of the Board's Order herein, Petitioner execute and forward to John Rein, Manager, Land Enforcement Section, Division of Land/Noise Pollution Control, 2200 Churchill Road, Springfield, Illinois, and to the Board, a certification of acceptance and agreement to be bound by the terms and conditions of this variance, and that said certification is to be in the form as follows:

I (We), \_\_\_\_\_,  
having read and fully understanding the  
Order of the Illinois Pollution Control  
Board in PCB# 77-261 hereby accept said  
Order and agree to be bound by all of  
the terms and conditions thereof.

SIGNED \_\_\_\_\_  
TITLE \_\_\_\_\_  
DATE \_\_\_\_\_

22. The Agency reserves the right to amend or modify this Recommendation at any time prior to the close of the record herein.

ENVIRONMENTAL PROTECTION AGENCY

By:   
Delbert D. Haschemeyer  
Manager, Enforcement Programs

Dated: January 17, 1978